



## Cuba

### Country Reports on Human Rights Practices - [2002](#)

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Cuba is a totalitarian state controlled by Fidel Castro, who is Chief of State with the titles of President, Head of Government, First Secretary of the Communist Party, and commander in chief of the armed forces. Castro exercises control over all aspects of life through the Communist Party and its affiliated mass organizations, the government bureaucracy headed by the Council of State, and the state security apparatus. The Communist Party is the only legal political entity, and Castro personally chooses the membership of the Politburo, the select group that heads the party. There are no contested elections for the 601-member National Assembly of People's Power (ANPP), which meets twice a year for a few days to rubber stamp decisions and policies previously decided by the governing Council of State. The Communist Party controls all government positions, including judicial offices. The judiciary is completely subordinate to the Government and to the Communist Party.

The Ministry of Interior is the principal entity of state security and totalitarian control. Officers of the Revolutionary Armed Forces, which are led by Fidel Castro's brother General Raul Castro, were assigned to the majority of key positions in the Ministry of Interior in the past several years. In addition to the routine law enforcement functions of regulating migration and controlling the Border Guard and the regular police forces, the Interior Ministry's Department of State Security investigated and actively suppressed political opposition and dissent. It maintained a pervasive system of surveillance through undercover agents, informers, rapid response brigades (RRBs), and neighborhood-based Committees for the Defense of the Revolution (CDRs). The Government traditionally has used the CDRs to mobilize citizens against dissenters, impose ideological conformity, and root out "counterrevolutionary" behavior. RRBs consisted of workers from a particular brigade (construction workers, a factory, etc.) that were organized by the Communist Party to react forcefully to any situation of social unrest. The Government on occasion used RRBs instead of the police or military during such situations. Members of the security forces committed numerous, serious human rights abuses.

The economy was centrally planned, with some elements of state-managed capitalism in sectors such as tourism and mining. The country's population was approximately 11 million. The economy depended heavily on primary products such as sugar and minerals, but also on its recently developed tourism industry. The economy performed poorly during the year, mainly due to inefficient policies. The 2001-02 sugar harvest was poor, remittances from abroad decreased, and tourist arrivals declined 5 percent below 2001 levels. In November 2001, Hurricane Michelle severely affected agricultural production, which did not begin to recover until midyear. Government officials announced that the economy had grown by 1.1 percent during the year. Government policy was officially aimed at preventing economic disparity, but persons with access to dollars enjoyed a significantly higher standard of living than those with access only to pesos. During the year, the Government issued a moratorium on new licenses for small private businesses in the service sector, many of which have been fined on unclear grounds or taxed out of existence. A system of "tourist apartheid" continued, whereby citizens were denied access to hotels, beaches, and resorts reserved for foreign tourists.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens did not have the right to change their government peacefully. Although the Constitution allows legislative proposals backed by at least 10,000 citizens to be submitted directly to the ANPP, the Government rejected a petition known as the Varela Project, with over 11,000 signatures calling for a national referendum on political and economic reforms. The Government mobilized the population to sign a counter-petition reinforcing the socialist basis of the State; the ANPP unanimously approved this amendment. Communist Party-affiliated mass organizations tightly controlled elections to provincial and national legislative bodies, resulting in the selection of single, government-approved candidates. Prisoners died in jail due to lack of medical care. Members of the security forces and prison officials continued to beat and abuse detainees and prisoners, including human rights activists. The Government failed to prosecute or sanction adequately members of the security forces and prison guards who committed abuses. Prison conditions remained harsh and life threatening. The authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country. The Government used internal and external exile against such persons. The Government denied political dissidents and human rights advocates due process and subjected them to unfair trials. The Government infringed on citizens' privacy rights. The Government denied citizens the freedoms of speech, press, assembly, and association. It limited the distribution of foreign publications and news, restricted access to the Internet, and maintained strict censorship of news and information to the

public. The Government restricted some religious activities but permitted others. The Government limited the entry of religious workers to the country. The Government maintained tight restrictions on freedom of movement, including foreign travel and did not allow some citizens to leave the country. The Government was sharply and publicly antagonistic to all criticism of its human rights practices and discouraged foreign contacts with human rights activists. Violence against women, especially domestic violence, and child prostitution were problems. Racial discrimination was a problem. The Government severely restricted worker rights, including the right to form independent unions. The Government prohibits forced and bonded labor by children; however, it required children to do farm work without compensation.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary and Unlawful Deprivation of Life

There were no reports of politically motivated killings.

On August 16, Juan Sanchez Picoto died in a psychiatric hospital in San Luis de Jagua, allegedly by suicide. According to family members, Sanchez Picoto had tried to emigrate nine times since 1998, and after the last attempt the authorities forcibly removed him from his home and placed him in a psychiatric unit for alcoholics at a Guantanamo psychiatric hospital. He was held in a ward for violent and mentally ill offenders, despite a doctor's diagnosis that he did not meet criteria for involuntary commitment. He was allegedly given shock therapy and assaulted by another detainee, resulting in a head injury. On August 15, he was transferred from the Guantanamo hospital to the San Luis de Jagua unit and died the next day; family members were not allowed to see the body.

During the year, there were reports that prisoners died in jail due to lack of medical care (see Section 1.c.).

There was no new information about the results of any investigation into the deaths of Leovigildo Oliva and Leonardo Horta Camacho, and no government action was likely; police reportedly shot and killed both men in 2000.

The Government still has not indemnified the survivors and the relatives of the 41 victims for the damages caused in the Border Guard's July 1994 sinking of the "13th of March" tugboat, despite a 1996 recommendation by the Inter-American Commission on Human Rights (IACHR) to do so.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits abusive treatment of detainees and prisoners; however, members of the security forces sometimes beat and otherwise abused human rights advocates, detainees, and prisoners. The Government took no steps to curb these abuses. There continued to be numerous reports of disproportionate police harassment of black youths (see Section 5).

On March 4, state security agents, police, and civilian members of an RRB beat blind activist Juan Carlos Gonzalez Leyva, independent journalist Carlos Brizuela Yera, and eight other activists, who were at a public hospital in Ciego de Avila protesting the earlier beating of independent journalist Jesus Alvarez Castillo. Police forcibly removed the protesters from the hospital and arrested them. On August 21, a municipal court charged them with "contempt for authority, public disorder, disobedience, and resistance." Prosecutors requested a 6-year sentence for Gonzalez Leyva. Gonzalez Leyva protested his imprisonment through a liquids-only fast, and at year's end weighed less than 100 pounds.

On September 17, plainclothes police beat 59-year-old Rafael Madlum Payas of the Christian Liberation Movement as he approached a police station to inquire about the cases of seven activists being held at the station.

The Government continued to subject persons who disagreed with it to what it called acts of repudiation. At government instigation, members of state-controlled mass organizations, fellow workers, or neighbors of intended victims were obliged to stage public protests against those who dissented from the Government's policies, shouting obscenities and often causing damage to the homes and property of those targeted; physical attacks on the victims sometimes occurred. Police and state security agents often were present but took no action to prevent or end the attacks. Those who refused to participate in these actions faced disciplinary action, including loss of employment.

On July 1, the first secretary of the Communist Party in Cruces, Cienfuegos province, directed 150 persons to engage in an act of repudiation against Gladys Aquit Manrique of the Cuban Pro Human Rights Party. The persons shouted epithets at Aquit Manrique and kicked her door.

There were also smaller-scale acts of repudiation, known as "reuniones relampagos," or rapid repudiations. These acts were conducted by a small number of persons, usually not from the target's neighborhood, and lasted up to 30 minutes. These individuals shouted epithets and threw stones or other objects at the victim's house.

On April 21, members of an RRB beat Grisel Almaguer Rodriguez of the Political Prisoners Association as she departed the home of human rights activist Elizardo Sanchez Santa Cruz.

On September 21, persons directed by state security officials threw stones and mud at the home of Jose Daniel Ferrer of the Christian Liberation Movement and beat Victor Rodriguez Vazquez and Yordanis Almenares Crespo, who were visiting Ferrer at the time of the attack.

On September 24, police in Santiago province directed persons to beat six members of the Christian Liberation Movement during an act of rapid repudiation.

Prison conditions continued to be harsh and life threatening, and conditions in detention facilities also were harsh. The Government claimed that prisoners had rights such as family visitation, adequate nutrition, pay for work, the right to request parole, and the right to petition the prison director; however, police and prison officials often denied these rights in practice, and beat, neglected, isolated, and denied medical treatment to detainees and prisoners, including those convicted of political crimes or those who persisted in expressing their views. The Penal Code prohibits the use of corporal punishment on prisoners and the use of any means to humiliate prisoners or to lessen their dignity; however, the code fails to establish penalties for committing such acts, and they continued to occur in practice. Detainees and prisoners, both common and political, often were subjected to repeated, vigorous interrogations designed to coerce them into signing incriminating statements, to force collaboration with authorities, or to intimidate victims. Some endured physical and sexual abuse, typically by other inmates with the acquiescence of guards, or long periods in punitive isolation cells. Pretrial detainees were held separately from convicted prisoners. In Havana there were two detention centers; once sentenced, persons were transferred to a prison.

Prisoners sometimes were held in "punishment cells," which usually were located in the basement of a prison, were semi-dark all the time, had no water available in the cell, and had a hole for a toilet. No reading materials were allowed, and family visits were reduced to 10 minutes from 1 or 2 hours. There was no access to lawyers while in the punishment cell.

On May 10, political prisoner Carlos Luis Diaz Fernandez informed friends that he had been held in solitary confinement since January 2000 in a cell with no electric light and infested by rats and mosquitoes.

In August six guards at Guamajal prison, Villa Clara province, beat common prisoner Pedro Rafael Perez Fuentes until he was unconscious. Perez Fuentes told his mother that the guards had beaten him because he had asked them why he had been denied exercise privileges. The prison warden verbally abused Perez Fuentes' mother when she informed him of her plans to report the assault.

On August 6, prison officials, including the chief of political reeducation, beat political prisoner Yosvani Aguilar Camejo. Aguilar Camejo is the national coordinator for the Fraternal Brothers for Dignity Movement. He was arrested at the time of the Mexican Embassy break-in by asylum seekers in late February (see Section 1.d.).

Prison guards and state security officials subjected human rights and prodemocracy activists to threats of physical violence, to systematic psychological intimidation, and to detention or imprisonment in cells with common and violent criminals, sexually aggressive inmates, or state security agents posing as prisoners.

On February 21, political prisoner Ariel Fleitas Gonzalez advised relatives that prison authorities had placed a dangerous common criminal in his cell in Canaleta prison to monitor his activities. That prisoner threatened Fleitas Gonzalez when the latter called upon officials to respect prisoners' rights.

On June 20, a guard at Las Ladrilleras prison in Holguin province instructed a common prisoner to beat political prisoner Daniel Mesa. Mesa reportedly suffered brain damage as a result of the attack.

In late October, imprisoned dissident Leonardo Bruzon Avila was hospitalized from the effects of a 43-day hunger strike. In February the authorities had arrested Bruzon on charges of civil disobedience. In December the authorities returned Bruzon to prison, where he resumed a liquids-only diet. Family members and colleagues believed he was returned to prison before he had fully recovered from the effects of his hunger strike.

In November Ana Aquillilla, wife of Francisco Chaviano Gonzalez, reported that her husband remained confined with common prisoners, that for more than 1 year he was not allowed outside the prison for recreation, and that he could not receive family visits. Chaviano is the former president of the National Council for Civil Rights in Cuba and received a 15-year prison sentence in 1994 on charges of espionage and disrespect.

Political prisoners were required to comply with the rules for common criminals and often were punished severely if they refused. They often were placed in punishment cells and held in isolation.

The Government regularly failed to provide adequate nutrition and medical attention, and a number of prisoners died during the year due to lack of medical attention. In 1997 the IACHR described the nutritional and hygienic situation in the prisons, together with the deficiencies in medical care, as "alarming." Both the IACHR and the former U.N. Special Rapporteur on Cuba, as well as other human rights monitoring organizations, have reported the widespread incidence in prisons of tuberculosis, scabies, hepatitis, parasitic infections, and malnutrition.

In early June, common prisoner Hector Labrada Ruedas died of internal bleeding after prison authorities refused his requests for medical attention.

Alberto Martinez Martinez contracted hepatitis and leptospirosis while being held for attempting to leave the country without government authorization. He was placed in intensive care following his release. Martinez is the son of Alberto Martinez Fernandez, president of the Political Prisoners and Ex-Political Prisoners Club.

On June 19, the illegal (see Section 2.b.) nongovernmental organization (NGO) National Office for the Receipt of Information on Human Rights Violations reported that political prisoner Nestor Garcia Valdes had contracted tuberculosis while being held in Guantanamo Provincial Prison with nine infected common prisoners, none of whom had received treatment for the disease.

The wife of political prisoner Nestor Rodriguez Lobaina reported that Rodriguez feared for his health because he had been held for an extended period in a cell with two prisoners suffering from tuberculosis. Rodriguez was especially concerned because his wife and young daughter visited him in his cell, exposing them to possible infection as well. Rodriguez' wife claimed that the prison doctor had refused to transfer Lobaina after learning that he was a political prisoner, saying that his fate was of no concern to her. Rodriguez is in the third year of a 6-year sentence for "contempt of authority" and "public disorder."

Political prisoner Osvaldo Dussu Medina reported that inmates in Boniato prison were forced to wash their clothes in water contaminated with feces and urine from a broken sewer pipe. Prison authorities had been aware of the contamination for 2 years but did nothing to remedy the situation.

Prison officials regularly denied prisoners other rights, such as the right to correspondence, and continued to confiscate medications and food brought by family members for political prisoners. Some prison directors routinely denied religious workers access to detainees and prisoners. Reading materials, including Bibles, were not allowed in punishment cells. Prison authorities refused to grant blind dissident Juan Carlos Gonzalez Leyva access to his Braille Bible.

In July prison officials in Ceramica Roja prison denied religious visits to political prisoner Enrique Garcia Morejon of the Christian Liberation Movement. Garcia Morejon twice requested visits by a Catholic priest while the priest was visiting other prisoners.

There were separate prison facilities for women and for minors. Conditions of these prisons, especially for women, did not take into account the special needs of women. Human rights activists believed that conditions were poor.

The Government did not permit independent monitoring of prison conditions by international or national human rights monitoring groups. The Government has refused to allow prison visits by the International Committee of the Red Cross (ICRC) since 1989. In 2001 the Cuban Commission for Human Rights and National Reconciliation (CCHRNC), an illegal NGO, appealed to the Government to create a national commission with representatives from the Cuban Red Cross, the Ministry of Public Health, and different churches, to inspect the prisons and recommend changes to the existing situation. The CCHRNC did not receive a response from the Government.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention continued to be problems, and they remained the Government's most effective tactics for harassing opponents. The Law of Penal Procedures requires police to file formal charges and either release a detainee or bring the case before a prosecutor within 96 hours of arrest. It also requires the authorities to provide suspects with access to a lawyer within 7 days of arrest. However, the Constitution states that all legally recognized civil liberties can be denied to anyone who actively opposes the decision of the Cuban people to build socialism. The authorities routinely invoked this sweeping authority to deny due process to those detained on purported state security grounds.

The authorities routinely engaged in arbitrary arrest and detention of human rights advocates, subjecting them to interrogations, threats, and degrading treatment and unsanitary conditions for hours or days at a time. Police frequently lacked warrants when carrying out arrests or issued warrants themselves at the time of arrest. Authorities sometime employed false charges of common crimes to arrest political opponents. Detainees often were not informed of the charges against them. The CCHRNC reported a significant increase in the number of detentions in February and March. In May Amnesty International recognized the increase of arrests and harassment of dissidents, including organizers for the opposition Varela Project (see Section 3), and expressed concern about the increased use of violence by security forces. The authorities continued to detain human rights activists and independent journalists for short periods, often to prevent them from attending or participating in events related to human rights issues (see Sections 2.a. and 2.b.). The authorities also placed such activists under house arrest for short periods for similar reasons.

On January 28, police arrested Martha Beatriz Roque, director of the Cuban Institute of Independent Economists, for refusing to allow government employees to fumigate her residence against mosquitoes. Roque refused because she had suffered allergic reactions as a result of previous fumigations. State security officials took Roque to a Ministry of Health office, where she was strip searched, held for 4 hours, and released. Government officials broke into Roque's house and fumigated it while she was in detention.

On February 24, state security officials arrested independent journalist Carlos Alberto Dominguez for participating in an event commemorating the four pilots killed in February 1996 by military aircraft. He was released the same day but was arrested again on February 28 and remained jailed on charges of "contempt for authority and public disorder" (see Section 2.a.). At year's end, his relatives reported that Dominguez was in poor health and receiving inadequate treatment for hypertension and severe migraine headaches.

In late February, police arrested at least 300 persons near the Mexican Embassy after 21 asylum seekers used a bus to break through the gates of the embassy. Many of those arrested were reportedly bystanders not involved in the embassy intrusion. RRBs summoned by the Government to the Mexican Embassy beat some bystanders. Most bystanders were interrogated and released, but on March 6, Fidel Castro indicated that 130 of them would be tried on charges related to the embassy break-in. According to relatives, approximately 60 remained jailed at year's end; none had been tried.

On March 13, police arrested seven human rights activists in Nueva Gerona, Isle of Youth, as they conducted a public demonstration calling for democratic reforms and the release of political prisoners (see Sections 2.a. and 2.b.).

On March 18, state security officials arrested four leaders of the Brotherhood of Blind Cubans to prevent a demonstration against police mistreatment of handicapped street vendors and calling for the release of blind dissident Juan Carlos Gonzalez Leyva (see Sections 1.c., 2.b., and 5). Police released the four after citing them with "official warnings."

On April 17, police arrested Barbaro Vela Coego and Armando Dominguez Gonzalez, president and vice president, respectively, of the January 6 Civic Movement, to prevent their attendance at a fast in honor of political prisoners. They were held for 2 hours and released (see Section 2.b.).

On April 22, police arrested Milka Pena Martinez of the Cuban Pro Human Rights Party for protesting a police search of her home (see Section 1.f.). Police also arrested Luis Ferrer Garcia of the Christian Liberation Movement, who was present at the time, and Ramon Collazo Almaguer, who led a group of dissidents to Pena Martinez' home to protest her arrest. Pena Martinez was fined and all three were released.

On May 19, police arrested Nereida Cala Escalona and Evelio Manteira Barban as they departed a meeting in Santiago de Cuba organized by the Christian Liberation Movement. They were interrogated, threatened with imprisonment, and released on May 20.

On June 1, police arrested nine activists as they departed a human rights course at the illegal NGO Culture and Democracy Institute in Santiago de Cuba. They were interrogated and released on June 2.

On June 7, police arrested three members of the 30th of November Party in Santiago de Cuba. They were interrogated and released on June 10.

On June 14, state security officials beat and arrested independent journalist Carlos Serpa Maceira while he was covering a march by human rights activists in the Isle of Youth (see Section 2.a.). He was briefly detained, fined \$48 (1,200 pesos), and then released.

On July 24, police arrested human rights activist Adolfo Lazaro Bosq at a vigil for political prisoners on charges of "resistance and contempt for the revolutionary process." On August 2, a municipal court sentenced him to 1 year and 9 months' imprisonment (see Section 1.e.).

In July state security officials arrested independent journalist Yoel Blanco Garcia and took him to a local firehouse where he was interrogated. The state security officials warned Blanco Garcia not to visit the home of Martha Beatriz Roque, director of the Cuban Institute of Independent Economists.

On July 29, state security officials arrested Rogelio Menendez Diaz, president of the Cuban Municipalities for Human Rights. He was held for 35 days in Villa Marista prison, where guards transferred him between chilled and heated cells. During interrogations, Menendez Diaz was accused of organizing clandestine cells on behalf of exile groups along with activists Angel Pablo Polanco and Marcel Valenzuela Salt, who had also been detained. Menendez Diaz was charged with "contempt against the Commander in Chief" and warned to cease opposition activities. He was released on September 2 but rearrested on December 10, apparently to prevent his participation in events commemorating International Human Rights Day. At year's end, he had not been tried and remained jailed.

On July 30, state security officials arrested independent journalist Angel Pablo Polanco and held him for 4 days in an

unregistered house of detention. Polanco was 60 years old and moved with the aid of a walker. During a search of his home, state security agents removed a fax machine and a telephone which Polanco had purchased from a state company, \$1,200 in cash, a tape recorder, books on Cuban history, and files related to his work as a journalist. The officials did not provide a receipt for the money or the items (see Section 2.a.). Polanco was charged with inciting others to commit "contempt of authority" and "insulting the symbols of the State," apparently in connection with plans by opposition groups to mark the August 5 anniversary of 1994 riots in Havana. He was accused of organizing clandestine cells along with activists Manuel Menendez Diaz and Marcel Valenzuela Salt, who had been arrested on July 29. Polanco was granted conditional release on August 3. At year's end, Polanco had not been tried.

On September 11, police arrested Luis Milan of the Christian Liberation Movement for writing a letter to municipal officials in Santiago de Cuba calling for improved prison conditions.

On December 6, police arrested Dr. Oscar Elias Biscet, a political prisoner who had been released on October 31 after serving 3 years for disrespect, creating a public disturbance, and encouraging others to violate the law. The authorities arrested Biscet and 16 others to prevent them from holding a seminar on nonviolent civil disobedience. The authorities later released 12 of the detainees, but charged Biscet, his associate Raul Arencibia Fajardo, and 2 others with public disorder, which carries a sentence of up to 1 year.

The Government often held persons without charges for months and then released them, which avoided the spectacle of a trial. Of the 36 political prisoners arrested during the year, 6 were released without charges, including several who had been informally advised of charges but were never processed.

State security police used detentions and warnings to prevent organizations around the island from performing any actions in remembrance of the four pilots killed in February 1996 by military aircraft. As in previous years, on July 13, police prevented activists from commemorating the 1994 sinking of the "13th of March" tugboat (see Sections 1.d and 2.b.).

The authorities sometimes detained journalists in order to question them about contacts with foreigners or to prevent them from covering sensitive issues or criticizing the Government (see Section 2.a.).

Time in detention before trial counted toward time served if convicted. Bail was available and usually was low and more equivalent to a fine.

The Penal Code includes the concept of "dangerousness," defined as the "special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of socialist norms." If the police decide that a person exhibits signs of dangerousness, they may bring the offender before a court or subject him to therapy or political reeducation. Government authorities regularly threatened prosecution under this provision. Both the U.N. Commission on Human Rights (UNCHR) and the IACHR criticized this tactic for its subjectivity, the summary nature of the judicial proceedings employed, the lack of legal safeguards, and the political considerations behind its application. According to the IACHR, the so-called special inclination to commit crimes referred to in the Penal Code amounted to a subjective criterion used by the Government to justify violations of individual freedoms and due process for persons whose sole crime was to hold a view different from the official view.

The Government also used exile as a tool for controlling and eliminating internal opposition. In May Amnesty International noted that the Government detained human rights activists repeatedly for short periods and threatened them with imprisonment unless they gave up their activities or left the country. The Government used these incremental, aggressive tactics to compel independent librarian Ramon Humberto Colas and Maritza Lugo Fernandez, vice president of the Democratic November 30 Party, to leave the country in December 2001 and January, respectively.

The Government pressured imprisoned human rights activists and political prisoners to apply for emigration and regularly conditioned their release on acceptance of exile. Human Rights Watch observed that the Government routinely invoked forced exile as a condition for prisoner releases and also pressured activists to leave the country to escape future prosecution. Amnesty International expressed particular concern about the Government's practice of threatening to charge, try, and imprison human rights advocates and independent journalists prior to arrest or sentencing if they did not leave the country. According to Amnesty International, this practice "effectively prevents those concerned from being able to act in public life in their own country."

#### e. Denial of Fair Public Trial

The Constitution provides for independent courts; however, it explicitly subordinates the courts to the ANPP and the Council of State, which is headed by President Castro. The ANPP and its lower level counterparts choose all judges. The subordination of the courts to the Communist Party, which the Constitution designates as the superior directive force of society and the State, further compromises the judiciary's independence. The courts undermined the right to a fair trial by restricting the right to a defense and often failed to observe the few due process rights available to defendants.

Civilian courts existed at the municipal, provincial, and supreme court levels. Panels composed of a mix of professionally certified and lay judges presided over them. There was a right to appeal, access to counsel, and charges were known to the defendant. Defendants enjoyed a presumption of innocence, but the authorities often ignored this right in practice.

Military tribunals assumed jurisdiction for certain counterrevolutionary cases and were governed by a special law. The military tribunals processed civilians if a member of the military was involved with civilians in a crime. There was a right to appeal, access to counsel, and the charges were known to the defendant.

The law and trial practices did not meet international standards for fair public trials. Almost all cases were tried in less than 1 day; there were no jury trials. While most trials were public, trials were closed when there were alleged violations of state security. Prosecutors may introduce testimony from a CDR member about the revolutionary background of a defendant, which may contribute to either a longer or shorter sentence. The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases such as those involving maximum prison terms or the death penalty. Appeals in capital cases are automatic. The Council of State ultimately must affirm capital punishment.

Criteria for presenting evidence, especially in cases involving human rights advocates, were arbitrary and discriminatory. Often the sole evidence provided, particularly in political cases, was the defendant's confession, usually obtained under duress and without the legal advice or knowledge of a defense lawyer (see Section 1.c.). The authorities regularly denied defendants access to their lawyers until the day of the trial. Several dissidents who served prison terms reported that they were tried and sentenced without counsel and were not allowed to speak on their own behalf.

The law provides the accused with the right to an attorney, but the control that the Government exerted over the livelihood of members of the state-controlled lawyers' collectives compromised their ability to represent clients, especially when they defended persons accused of state security crimes. Attorneys reported reluctance to defend those charged in political cases due to fear of jeopardizing their own careers.

On January 30, the Havana Provincial Court sentenced activist Carlos Oquendo Rodriguez to 2 years' imprisonment for "contempt for authority" and "public disorder." The provincial court confirmed the sentence levied against Oquendo Rodriguez by a municipal court in 2001 and appealed by him to the provincial court. Prior to sentencing, police officials offered to suspend Oquendo Rodriguez' sentence if he recanted his political beliefs, but Oquendo Rodriguez refused.

On August 2, a municipal court sentenced human rights activist Adolfo Lazaro Bosq to 1 year and 9 months' imprisonment for "resistance and contempt against the revolutionary process." Bosq was arrested on July 24 at a candlelight vigil for political prisoners (see Section 1.d.).

Vladimiro Roca Antunez of the Internal Dissident Working Group was released on May 5, after serving most of his 5-year sentence for a 1997 conviction for acts against the security of the State in relation to the crime of sedition after the group peacefully expressed their disagreement with the Government. Three other members received conditional releases in 2000.

Human rights monitoring groups inside the country estimated the number of political prisoners to be between 230 and 300 persons. At year's end, the CCHRNC reported that 36 political prisoners had been arrested and that there were 248 political prisoners in the country; at the end of 2001, the CCHRNC had reported 240 political prisoners. The CCHRNC noted that since the Government refused to publish the number of prisoners in the country, its figures were based on information obtained from family members of prisoners. A spokesperson for the CCHRNC noted an end to a recent downward trend in the numbers of political prisoners, with an increase in detentions in February and March (see Section 1.d.). The authorities imprisoned persons on charges such as disseminating enemy propaganda, illicit association, contempt for the authorities (usually for criticizing President Castro), clandestine printing, or the broad charge of rebellion, which often was brought against advocates of peaceful democratic change. The Government did not permit access to political prisoners by human rights organizations. It continued to deny access to prisoners by the ICRC.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the Constitution provides for the inviolability of a citizen's home and correspondence, official surveillance of private and family affairs by government-controlled mass organizations, such as the CDRs, remained one of the most pervasive and repressive features of daily life. The State assumed the right to interfere in the lives of citizens, even those who did not oppose the Government and its practices actively. The authorities utilized a wide range of social controls. The mass organizations' ostensible purpose was to improve the citizenry, but in fact their goal was to discover and discourage nonconformity. Citizen participation in these mass organizations declined; the economic crisis both reduced the Government's ability to provide material incentives for their participation and forced many persons to engage in black market activities, which the mass organizations were supposed to report to the authorities.

The Interior Ministry employed an intricate system of informants and block committees (the CDRs) to monitor and control public opinion. While less capable than in the past, CDRs continued to report on suspicious activity, including conspicuous consumption; unauthorized meetings, including those with foreigners; and defiant attitudes toward the Government and the revolution.

The Government controlled all access to the Internet, and all electronic mail messages were subject to censorship. Dial-up Internet service was prohibitively expensive for most citizens. The Interior Ministry's Department of State Security often read international correspondence and monitored overseas telephone calls and conversations with foreigners. The Government also monitored domestic phone calls and correspondence. The Government sometimes denied telephone service to political

dissidents. Cell phones were generally not available to average citizens.

Dolia Leal Francisco of the Cuban Institute of Independent Economists reported that state security officials pressured her local CDR to deny her home telephone service because of her "counterrevolutionary activities." State security officials threatened to terminate telephone service of Leal Francisco's neighbors if they allowed her to use their phones. A CDR member and a state security agent warned one neighbor that she would lose her job and that her daughter's education would be affected if she allowed Leal Francisco access to a telephone.

On February 8, state security officials threatened to evict activist Adonis Castro Martinez from his home, which he had rented for 4 years from his employer, the Ministry of Health, because he had used the home for meetings of the Cuban Pro Human Rights Party Affiliated with the Andrei Sakharov Foundation (see Section 2.b.).

In late March, police instructed a neighbor of independent labor organizers Luis Sergio Nunez and Gabriel Sanchez of the Independent National Labor Organization to report on any calls made by them from her telephone (see Section 6.b.).

On April 22, police arrested Milka Pena Martinez of the Cuban Pro Human Rights Party for protesting a police search of her home (see Section 1.d.). Police claimed to be searching for an individual who did not live at that residence. Asked by Pena Martinez to produce a warrant, a police lieutenant wrote out a warrant on a blank sheet of paper. Police also arrested Luis Ferrer Garcia of the Christian Liberation Movement, who was present at the time of the search of Pena Martinez' home, and Ramon Collazo Almaguer, who led a group of dissidents to Pena Martinez' home to protest her arrest. All three were released after Pena Martinez was fined \$80 (2,000 pesos) for being unable to explain the presence of a large quantity of flour in her home.

On May 8, telephone service was cut to the home of Luis Octavio Garcia Gonzalez, spokesman for the Cuban Pro Human Rights Party Affiliated with the Andrei Sakharov Foundation. When service was restored, unknown persons made repeated calls to Garcia Gonzalez shouting revolutionary slogans.

On May 17, police went to the home of Pedro Veliz, president of the Independent Medical School of Cuba, and instructed him to leave Havana for the day to prevent his attendance in ceremonies marking the founding of a prerevolutionary political party (see Section 2.b.). Veliz, along with his wife and children, were forced to leave their home and were followed by state security officials until they left the city.

On June 2, the National Office for the Receipt of Information on Human Rights Violations in Cuba reported that workers at a popular cyber cafe had been instructed to review all outgoing e-mails and to track websites viewed by individual patrons.

On June 19, state security officials threatened to block the university admission of the son of human rights activists Carmen Luz Figueredo and Sergio Gomez Fernandez because of their failure to sign a government petition making socialism an "untouchable" element of the Constitution. That same day, CDR officials warned independent journalist Carlos Serpa Maceira that his public refusal to sign that government petition threatened his 9-year-old daughter's future. In late June, directors of an agricultural cooperative in Camaguey province suspended food subsidies to cooperative member Jorge de Armas for failing to sign the government petition (see Section 3).

There were numerous credible reports of forced evictions of squatters and residents who lacked official permission to reside in Havana. For example, on June 1, police in Havana province arrived in the neighborhood of Buena Esperanza to remove persons from eastern Cuba living in the area without authorization. An unknown number of men were removed in trucks on that date, while women and children were given 72 hours to depart (see Section 2.d.).

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for citizens' freedoms of speech and press insofar as they "conform to the aims of socialist society." This clause effectively bars free speech. In law and in practice, the Government did not allow criticism of the revolution or its leaders. Laws against antigovernment propaganda, graffiti, and disrespect of officials impose penalties between 3 months and 1 year in prison. If President Castro or members of the ANPP or Council of State were the objects of criticism, the sentence could be extended to 3 years. Charges of disseminating enemy propaganda, which included merely expressing opinions at odds with those of the Government, could bring sentences of up to 14 years. In the Government's view, such materials as the Universal Declaration of Human Rights, international reports of human rights violations, and mainstream foreign newspapers and magazines constituted enemy propaganda. Local CDRs inhibited freedom of speech by monitoring and reporting dissent or criticism. Police and state security officials regularly harassed, threatened, and otherwise abused human rights advocates in public and private as a means of intimidation and control.

The Constitution states that print and electronic media are state property and can never become private property. The Communist Party controlled all media except for a few small church-run publications. Even the church-run publications, denied access to mass printing equipment, were subject to governmental pressure. Vitral magazine, a publication of the diocese of



Pinar del Rio, continued to publish during the year.

Citizens did not have the right to receive publications from abroad, although news stands in hotels for foreigners and certain hard currency stores sold foreign newspapers and magazines. The Government continued to jam the transmission of Radio Marti and Television Marti. Radio Marti broadcasts at times overcame the jamming attempts on short-wave bands, but its medium-wave transmissions were blocked completely in Havana. Security agents subjected dissidents, foreign diplomats, and journalists to harassment and surveillance, including electronic surveillance.

All legal media must operate under party guidelines and reflect government views. The Government attempted to shape media coverage to such a degree that it not only exerted pressure on domestic journalists but also pressured groups normally outside the official realm of control, such as visiting international correspondents.

The 1999 Law to Protect National Independence and the Economy outlaws a broad range of activities that undermine state security and toughens penalties for criminal activity. Under the law, anyone possessing or disseminating literature deemed subversive, or supplying information that could be used by U.S. authorities in the application of U.S. legislation, may be subject to fines and prison terms of 7 to 20 years. While many activities between citizens and foreigners possibly could fall within the purview of this law, it appeared to be aimed primarily at independent journalists; however, no one has been tried under this law.

The Government continued to threaten independent journalists, either anonymously or openly, with arrests and convictions based on the 1999 law. Some journalists were threatened repeatedly since the law took effect. Independent journalists noted that the law's very existence affected their activities and increased self-censorship, and some said that it was the Government's most effective tool to harass members of the independent press.

The Government continued to subject independent journalists to internal travel bans; arbitrary and periodic detentions (overnight or longer); harassment of family and friends; seizures of computers, office, and photographic equipment; and repeated threats of prolonged imprisonment (see Sections 1.d., 1.f., and 2.d.). Independent journalists in Havana reported that threatening phone calls and harassment of family members continued during the year. Dozens of reporters were detained repeatedly. The authorities also placed journalists under house arrest to prevent them from reporting on conferences sponsored by human rights activists, human rights events, and court cases against activists. Independent journalists reported that detentions, threats, and harassment were more severe in the provinces than in the capital. Amnesty International, Human Rights Watch, the Inter-American Press Association, Reporters Without Borders (RSF), and the Committee to Protect Journalists repeatedly called international attention to the Government's continued practice of detaining independent journalists and others simply for exercising their right to free speech. In addition, police increasingly tried to prevent independent journalists from covering so-called sensitive events (see Section 1.d.).

On February 24, state security officials arrested independent journalist Carlos Alberto Dominguez for participating in a commemoration of the four civilian pilots killed in February 1996 by military aircraft (see Section 1.d.).

On February 28, police beat a British and an Italian journalist as they were filming asylum seekers breaking into the Mexican Embassy (see Section 1.d.). Castro ordered an investigation into the beating of the pair, and the Foreign Minister apologized to both journalists for their mistreatment.

On March 4, state security officials arrested independent journalist Carlos Brizuela Yera while he and nine other activists were protesting the earlier beating of an independent journalist during which police beat and arrested blind dissident Juan Carlos Gonzalez Leyva (see Section 1.d.). In August prosecutors charged Brizuela with "public disorder, contempt for authority, resistance, and disobedience." He had not been tried by year's end and remained in jail.

On March 5, RSF protested the detention of independent journalists Jesus Alvarez Castillo, Lexter Tellez Castro, Carlos Brizuela Yera, Normando Hernandez, and Juan Basulto Morell in various incidents. RSF requested that Interior Minister General Abelardo Colome punish the authorities responsible for the arrests. At year's end, the Government had not responded to that request.

On June 7, a state security official threatened to arrest the president of the Independent Human Rights Center in Santiago de Cuba if he did not cease providing information to foreign radio stations.

On June 14, state security officials beat and arrested independent journalist Carlos Serpa Maceira while he was covering a march by human rights activists on the Isle of Youth (see Section 1.d.).

In October the authorities seized material from a French journalist departing the country, according to RSF.

In December RSF released a report "Cuba, where news is the exclusive reserve of the State," which criticized the complete absence of freedom of the press. RSF also described the constant harassment of independent journalists and the prison conditions faced by independent journalists jailed for trying to practice their profession (see Section 1.c.).

In February 2001, Edel Garcia, director of the Central Norte del Pais press agency, was detained for 12 hours to prevent him

from participating in the commemoration of two planes that were shot down by military aircraft in international airspace in 1996. At year's end, Garcia was not in detention, and his trial on charges of collaborating with the enemy, providing information to Radio Marti, and conspiracy to commit crimes and espionage remained pending.

Jesus and Jadir Hernandez of Havana-Press were charged with trafficking in illegal migrants and collaboration with a foreign mission in 2000; their trial was pending at year's end.

During the year, at least five independent journalists were denied the right to emigrate, including Manuel Vazquez Portal, Edel Morales, Jorge Olivera, Dorka Cespedes, and Normando Hernandez.

The authorities often confiscated equipment when arresting journalists, particularly photographic and recording equipment. It was possible to buy a fax machine or computer, payable in dollars; if a receipt could be produced, the equipment usually was not confiscated. However, police seized a telephone and fax machine from independent journalist Angel Pablo Polanco despite the fact that he demonstrated proof of purchase in the country for both items (see Section 1.d.). Photocopiers and printers either were impossible to find on the local market or were not sold to individuals, which made them a particularly valuable commodity for journalists.

Resident foreign correspondents reported that the very high level of government pressure experienced since 2000, including official and informal complaints about articles, continued throughout the year. The Government exercised its ability to control members of the resident foreign press by requiring them to obtain a government exit permit each time they wished to leave the country.

Distribution of information continued to be controlled tightly. Importation of foreign literature was controlled, and the public had no access to foreign magazines or newspapers. Leading members of the Government asserted that citizens did not read foreign newspapers and magazines to obtain news because they did not speak English and had access to the daily televised round tables on issues with which they needed to concern themselves. The Government sometimes barred independent libraries from receiving materials from abroad and seized materials donated by foreign diplomats.

The Government controlled all access to the Internet, and all electronic mail messages were subject to censorship. Access to computers and peripheral equipment was limited, and the Internet only could be accessed through government-approved institutions. Dial-up access to government-approved servers was prohibitively expensive for most citizens. E-mail use grew slowly as the Government allowed access to more users; however, the Government generally controlled its use, and only very few persons or groups had access. The Government opened a national Internet gateway to some journalists, artists, and municipal-level youth community centers, but the authorities continued to restrict the types and numbers of international sites that could be accessed.

The Government officially prohibits all diplomatic missions in Havana from printing or distributing publications, particularly newspapers and newspaper clippings, unless these publications exclusively address conditions in a mission's home country and prior government approval is received. Many missions did not accept this requirement and distributed materials; however, the Government's threats to expel embassy officers who provided published materials had a chilling effect on some missions.

The Government restricted literary and academic freedoms and continued to emphasize the importance of reinforcing revolutionary ideology and discipline over any freedom of expression. The educational system taught that the State's interests took precedence over all other commitments. Academics and other government officials were prohibited from meeting with some diplomats without prior approval from the Ministry of Foreign Affairs. The Ministry of Education required teachers to evaluate students' and their parents' ideological character and to place such evaluations in school records. These reports directly affected students' educational and career prospects. As a matter of policy, the Government demanded that teaching materials for courses such as mathematics or literature have an ideological content. Government efforts to undermine dissidents included denying them advanced education and professional opportunities. President Castro stated publicly that the universities were available only to those who shared his revolutionary beliefs.

Artistic expression was less restricted. The Government encouraged the cultural community to attain the highest international standards in order to sell its work overseas for hard currency. However, in 2000 the Government began implementing a program called "Broadening of Culture" that tied art, socialism, and modern "revolutionary" ideology and legends into its own vision of culture. The Government used the government media and the schools to impose this vision on the public, particularly the youth.

#### b. Freedom of Peaceful Assembly and Association

Although the Constitution grants limited rights of assembly and association, these rights are subject to the requirement that they may not be "exercised against the existence and objectives of the Socialist State." The law punishes any unauthorized assembly of more than three persons, including those for private religious services in private homes, by up to 3 months in prison and a fine. The authorities selectively enforced this prohibition and often used it as a legal pretext to harass and imprison human rights advocates.

The Government's policy of selectively authorizing the Catholic Church to hold outdoor processions at specific locations on

important feast days continued during the year. On September 8, the Government permitted for the fifth consecutive year a procession in connection with Masses in celebration of the feast day of Our Lady of Charity in Havana. A number of activists participated in the procession. Police in Santiago de Cuba warned several dissidents in that city not to attend a procession for Our Lady of Charity (see Section 2.c.). There were no reports that processions were denied permits during the year.

The authorities never have approved a public meeting by a human rights group and often detained activists to prevent them from attending meetings, demonstrations, or ceremonies (see Section 1.d.). Asked by a foreign correspondent in October whether his Government obstructed demonstrations, President Castro responded that he had "no need to control what does not occur." There were unapproved meetings and demonstrations, which the Government frequently disrupted or attempted to prevent. The authorities sometimes used or incited violence against peaceful demonstrators.

On December 10, the authorities monitored, but did not block, a commemoration of International Human Rights Day by more than 50 persons at the home of dissident Martha Beatriz Roque. Police did not impede similar activities at the home of dissident Odilia Collazos and other sites throughout the country. Roque reported that 1,300 people across the country participated in commemorations, most of which the Government monitored but did not obstruct. However, police arrested Rogelio Menendez and two others in Havana to prevent their participation in December 10 ceremonies (see Section 1.d.).

In February state security officials threatened to evict an activist from his home because he had used the home for meetings of the Cuban Pro Human Rights Party Affiliated with the Andrei Sakharov Foundation (see Section 2.b.). Also in February, state security officers detained prodemocracy activists in different parts of the country to prevent them from staging activities commemorating the 1996 shooting down of two civilian aircraft in international airspace (see Sections 1.d. and 2.a.).

On March 13, police arrested seven human rights activists in Nueva Gerona, Isle of Youth, as they conducted a public demonstration calling for democratic reforms and the release of political prisoners (see Section 1.d.). Police beat the activists as they were conducting a silent march and took them to a local police station. They were fined and released.

On March 18, state security officials arrested four leaders of the Brotherhood of Blind Cubans to prevent a demonstration against police mistreatment of handicapped street vendors and to call for the release of blind dissident Juan Carlos Gonzalez Leyva (see Sections 1.c. and 5). Police released the four after issuing them "official warnings." Earlier, on March 4, police arrested protesters at the public hospital in Ciego de Avila.

On April 1, police called Alberto Fernandez Silva and Humberto Echevarria Herrera of the Cuban Pro Human Rights Party Affiliated with the Andrei Sakharov Foundation to a local police station to warn them that they would be imprisoned if their organization did not cease all meetings, masses, and vigils.

On April 17, police arrested Barbaro Vela Coego and Armando Dominguez Gonzalez, president and vice president, respectively, of the January 6 Civic Movement, to prevent their attendance at a fast in honor of political prisoners. They were held for 2 hours and released (see Section 1.d.).

On May 17, police went to the home of Pedro Veliz, president of the Independent Medical School of Cuba, and instructed him to leave Havana to prevent his attendance at ceremonies marking the anniversary of a prerevolutionary political party (see Section 1.f.).

On May 25, police beat and arrested four members of the Cuban Pro Human Rights Party Affiliated with the Andrei Sakharov Foundation who were on their way to a Mass in honor of a dissident figure (see Section 2.c.). The four were searched, threatened with imprisonment, fined, and released.

On June 1, police arrested nine activists as they departed a human rights course at the Culture and Democracy Institute in Santiago de Cuba (see Section 1.d.). They were interrogated and released on June 2.

On June 7, police forcefully removed 17 persons from the home of activist Migdalia Rosado Hernandez, where the group was commemorating the second anniversary of the Tamarindo 34 hunger strike. The police took 14 persons far from their homes and abandoned them by the roadside. Three others were fined and released.

On June 24, police blocked access to the home of activist Francisco Moure Saladriga to prevent a meeting of members of the Cuban Human Rights Party scheduled for that day.

In July state security officials in Santiago de Cuba warned activists Evelio Manteira Barban, Orestes Alberto Alvarez, Manuel de Jesus Nario, Joaquin Jimenez Hernandez, and Carlos Jimenez Cespedes that they would be beaten and arrested if they held events commemorating the sinking of the "13th of March" tugboat.

In early August, state security officials warned opposition activists who were planning protests to coincide with the eighth anniversary of the antigovernment riot that took place in Havana on August 5, 1994 that they would be jailed if they participated in such events. Independent journalist Angel Pablo Polanco and activists Rogelio Menendez Diaz and Marcel Valenzuela Salt were arrested on suspicion that they were organizing protests for August 5 (see Section 1.d.).

On September 7, state security officials in Santiago de Cuba warned Orestes Alberto Alvarez Vega not to attend a Mass in honor of Our Lady of Charity (see Section 2.c.).

The Government organized marches on May Day and held a rally, "Tribuna Abierta," every Saturday in a different municipality in the country. There was both radio and television coverage of the weekly rally.

The Government generally denied citizens the freedom of association. The Penal Code specifically outlaws illegal or unrecognized groups. The Minister of Justice, in consultation with the Interior Ministry, decides whether to give organizations legal recognition. The authorities never have approved the existence of a human rights group. However, there were a number of professional associations that operated as NGOs without legal recognition, including the Association of Independent Teachers, the Association of Independent Lawyers (Agramonte), the Association of Independent Architects and Engineers, and several independent journalist organizations.

Recognized churches (see Section 2.c.), the Roman Catholic humanitarian organization Caritas, the Masonic Lodge, small human rights groups, and a number of nascent fraternal or professional organizations were the only associations outside the control or influence of the State, the Communist Party, and their mass organizations. With the exception of the Masons, who had been established in the country for more than a century, the authorities continued to ignore those groups' applications for legal recognition, thereby subjecting members to potential charges of illegal association. All other legally recognized NGOs were affiliated at least nominally with or controlled by the Government.

### c. Freedom of Religion

The Constitution recognizes the right of citizens to profess and practice any religious belief within the framework of respect for the law; however, in law and in practice, the Government continued to restrict freedom of religion. In general, unregistered religious groups continued to experience various degrees of official interference, harassment, and repression. The Government's main interaction with religious denominations was through the Office of Religious Affairs of the Communist Party. The Ministry of Interior engaged in active efforts to control and monitor the country's religious institutions, including through surveillance, infiltration, and harassment of religious professionals and practitioners. The Government's policy of permitting apolitical religious activity to take place in government-approved sites remained unchanged; however, citizens worshiping in officially sanctioned churches often were subjected to surveillance by state security forces, and the Government's efforts to maintain a strong degree of control over religion continued.

The Constitution provides for the separation of church and State. In 1991 the Government allowed religious adherents to join the Communist Party. A 1992 constitutional amendment prohibits religious discrimination and removed references to "scientific materialism," (i.e., atheism) as the basis for the State. Members of the armed forces did not attend religious services in uniform, probably to avoid possible reprimand by superiors.

The Government requires churches and other religious groups to register with the provincial registry of associations within the Ministry of the Interior to obtain official recognition. In practice the Government refused to recognize new denominations; however, the Government tolerated some religions on the island, such as the Baha'i Faith. Unregistered religious groups were subject to official interference, harassment, and repression. The Government, with occasional exceptions, prohibited the construction of new churches, forcing many growing congregations to violate the law and meet in private homes. In October the Government authorized the Greek Orthodox Church to build a church in Havana.

Government harassment of private houses of worship continued, with evangelical denominations reporting evictions from houses used for these purposes. According to the Cuban Council of Churches (CCC) officials, most of the private houses of worship that the Government closed were unregistered, making them technically illegal. In addition, CCC Pentecostal members complained about the preaching activities of foreign missionaries that led some of their members to establish new denominations without obtaining the required permits. Because of these complaints by the Pentecostals, the CCC formally requested overseas member church organizations to assist them in dissuading foreign missionaries from establishing Pentecostal churches.

In 1998 following Pope John Paul II's visit, the country's Roman Catholic bishops called on the Government to recognize the Catholic Church's role in civil society and the family, as well as in the temporal areas of work, the economy, the arts, and the scientific and technical worlds. The Government continued to limit the Catholic Church's access to the media and to the Internet and refused to allow the Catholic Church to have a legal independent printing capability. It maintained a prohibition against the establishment of religious-affiliated schools.

In September local government authorities, for the fifth consecutive year, allowed the Catholic Church to hold an outdoor procession to mark the feast day of Our Lady of Charity in Havana (see Section 2.b.). Although visibly present, state security personnel did not harass any participants or observers as they did in 1998. However, in Santiago, prior to the procession, security police ordered a number of human rights activists not to attend the procession.

In 1998 the Government announced that henceforth citizens would be allowed to celebrate Christmas as an official holiday. (The holiday had been cancelled, ostensibly to spur the sugar harvest, in 1969 and restored in 1997 as part of the preparations for the Pope's 1998 visit.) However, the Government maintained a 1995 decree prohibiting nativity scenes in public buildings.

The Government allowed 9 priests and 12 nuns to enter the country to replace other priests and nuns whose visas had expired. The applications of 60 priests and other religious workers remained pending at year's end.

In the past several years, the Government relaxed restrictions on some religious denominations, including Seventh-day Adventists and Jehovah's Witnesses. Jehovah's Witnesses, once considered "active religious enemies of the revolution," were allowed to proselytize door-to-door and generally were not subjected to overt government harassment, although there were sporadic reports of harassment by local Communist Party and government officials.

Education is secular, and no religious educational institutions are allowed. There were no reports that parents were restricted from teaching religion to their children.

The Government continued to prevent any national or joint enterprise (except those with specific authorization) from selling computers, fax machines, photocopiers, or other equipment to any church at other than official—and exorbitant—retail prices. There was no restriction on the importation of religious literature and symbols if imported by a registered religious group in accordance with the proper procedures. In punishment cells, prisoners were denied access to reading materials, including Bibles (see Section 1.c.).

The CCC continued to broadcast a monthly 15-minute program on a national classical music radio station on the condition that the program could not include material of a political character.

State security officials visited some priests and pastors prior to significant religious events, ostensibly to warn them that dissidents were trying to "use the Church;" however, some critics claimed that these visits were done in an effort to foster mistrust between the churches and human rights or prodemocracy activists. State security officers also regularly harassed human rights advocates who sought to attend religious services commemorating special feast days or before significant national days, sometimes entering churches and disrupting religious ceremonies.

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government severely restricted freedom of movement. The Government generally did not impose legal restrictions on domestic travel; however, it limited migration to Havana, and initially restricted persons found to be HIV-positive to sanatoriums for treatment and therapy before conditionally releasing them into the community. For the past several years, state security officials prohibited human rights advocates and independent journalists from traveling outside their home provinces, and the Government also sentenced others to internal exile.

On April 24, a local official in Puerto Padre, Las Tunas province, encouraged the expulsion of Alfredo Dominguez Batista, Rigoberto Pena Hernandez, and Hector Sanchez Garcia from that city for their activities in support of the Varela Project. The two men were harassed but were able to continue their work.

In July state security officials prevented human rights activist Jose Manuel Rivas Medina of the Isle of Pines Human Rights Foundation from departing the Isle of Youth for meetings in Havana. On July 1, two state security agents prevented Rivas Medina from boarding a flight to Havana. The next day, the same officials prevented Rivas Medina from boarding a ferry and threatened to arrest him if he persisted in his efforts to visit Havana.

Decree 217 prohibits persons in other provinces from moving into Havana on the grounds that if internal migration was left unchecked, the city's problems regarding housing, public transport, water, and electrical supplies would become worse; visits to the city were permissible. Police frequently checked the identification of persons on the streets, and if someone from another province was found living in Havana illegally, that person was fined \$12 (300 pesos) and sent back home. Fines were \$40 (1,000 pesos) for those who resided illegally in the neighborhoods of Old Havana and Cerro. Human rights observers noted that while the decree affected migration countrywide, it targeted individuals and families predominantly of African descent from the more impoverished eastern provinces.

On June 1, police in Havana province entered the neighborhood of Buena Esperanza to remove persons from the eastern provinces living in the area without authorization. An unknown number of men were removed in trucks on that date, while women and children were given 72 hours to depart (see Section 1.d.).

The Government imposed some restrictions on both emigration and temporary foreign travel. The Government allowed the majority of persons who qualified for immigrant or refugee status in other countries to depart; however, in certain cases the authorities delayed or denied exit permits, usually without explanation. Some denials involved professionals who tried to emigrate and whom the Government subsequently banned from working in their occupational fields. The Government refused permission to others because it considered their cases sensitive for political or state security reasons. Resolution 54 denies exit permits to medical professionals until they have performed 3 to 5 years of service in their profession after requesting permission to travel abroad. This regulation, normally applied to recent graduates, was not published officially and may have applied to other professionals as well.

The Independent Human Rights Center in Santiago reported that the Government had denied exit permits to medical professionals Milagro Beaton Betancourt, Nayibe Sarda Sabatel, Angel Edmundo Fernandez Petell, Hector Arias, Raul Rizo, and Ariel Valverde Cuevas. The Government usually denied exit permits to the family members of doctors performing regional medical missions, a practice intended to discourage such personnel from seeking asylum or emigrating.

In July immigration officials denied an exit permit to Elizardo Sanchez Santa Cruz to attend a human rights conference in Guatemala. Sanchez subsequently received an exit permit for a family visit.

In July immigration officials withdrew authorization they had previously granted to independent librarian Gisela Delgado Sablon to receive a human rights award abroad.

In September immigration officials informed Christian Liberation Movement leader Oswaldo Jose Paya Sardinias that he needed authorization from the Minister of Health before they would process his request for an exit permit. Paya is an X-ray equipment technician employed by a state company that falls under the authority of the Ministry of Health. After several months' delay and after pressure from foreign governments, the Government granted Paya an exit permit the day after unknown persons left threatening placards in front of his home. Paya had requested an exit permit to receive a human rights award abroad for his leadership of the Varela Project (see Section 3). On December 18, the European Parliament awarded Paya the Sakharov Prize for Freedom of Thought.

In September immigration authorities informed dissident Vladimiro Roca that they had up to 30 days to determine whether they would issue an exit permit to "people like him," apparently referring to his status as a released political prisoner, rather than the 15 days required for most applications. Roca requested an exit permit to receive a human rights award abroad. In December the Government formally denied Roca's request and refused to explain why his application had been rejected.

On October 4, immigration officials denied independent economist Martha Beatriz Roque's request for an exit permit to travel to receive a human rights award abroad. Before denying her application, immigration officials forced Roque to return numerous times to produce documents—such as her ration card—not normally required for applications for temporary travel.

In March 2001, immigration officials prevented independent journalist Oswaldo de Cespedes and his family from boarding their flight as political refugees. De Cespedes was informed that his exit permit had been canceled. A migration official later told him that the exit permit was canceled "for interests of the State." His family was allowed to leave at a later date and de Cespedes was allowed to depart early in the year.

The Government routinely denied exit permits to young men approaching the age of military service, and until they reached the age of 27, even when it authorized other family members to leave. However, in most of those cases approved for migration to the United States under the September 1, 1994, U.S.-Cuban migration agreement, the applicants eventually received exemption from obligatory service and were granted exit permits.

The Government has a policy of denying exit permission for several years to relatives of individuals who successfully migrated illegally (e.g., merchant seamen who defected while overseas and sports figures who defected while on tours abroad).

Migrants who travel to the United States must pay the Government a total of \$600 per adult and \$400 per child, plus airfare. These government fees for medical exam, passport, and exit visa—which must be paid in dollars—were equivalent to about 5 years of a professional person's accumulated peso salary and represented a significant hardship, particularly for political refugees who usually were marginalized and had no income. In 1996 the Government agreed to allow 1,000 needy refugees to leave each year with reduced exit fees. However, after the first group of 1,000 in 1996, no further refugees were accorded reduced fees. At year's end, of the 1,259 persons pending travel, 23 approved refugees remained in the country because they were unable to pay government exit fees for themselves and their families.

The Penal Code provides for imprisonment of up to 3 years or a fine of \$12 to \$40 (300 to 1,000 pesos) for unauthorized departures by boat or raft. The office of the U.N. High Commissioner for Refugees (UNHCR) stated that it regarded any sentence of more than 1 year for simple illegal exit as harsh and excessive. Under the terms of the May 2, 1995, U.S.-Cuba Migration Accord, the Government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters, or from the U.S. Naval Base at Guantanamo, after attempting to emigrate illegally if they had not committed a separate criminal offense.

In 1994 the Government eased restrictions on visits by and repatriations of Cuban emigrants. Citizens who established residency abroad and who were in possession of government-issued permits to reside abroad may travel to the country without visas. Persons at least 18 years of age are eligible to travel abroad and may stay abroad up to 11 months. In 1995 the Government announced that emigrants who were considered not to have engaged in so-called hostile actions against the Government and who were not subject to criminal proceedings in their countries of residence could apply at Cuban consulates for renewable, 2-year multiple-entry travel authorizations. However, in 1999 the Government announced that it would deny entry permits for emigrants who had left the country illegally after September 1994. It remained unclear whether the Government actually was implementing such a policy.

The Constitution provides for the granting of asylum to individuals persecuted "for their ideals or struggles for democratic rights

against imperialism, fascism, colonialism, and neocolonialism; against discrimination and racism; for national liberation; for the rights of workers, peasants, and students; for their progressive political, scientific, artistic, and literary activities; and for socialism and peace." However, the Government has no formal mechanism to process asylum for foreign nationals. Nonetheless, the Government honors the principle of first asylum and provided it to a small number of persons. There was no information available on its use during the year.

A total of 45 persons applied for refugee status during the year, of which 9 were approved; according to the UNHCR, there were 1,005 refugees in the country.

There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens do not have the legal right to change their government or to advocate change, and the Government retaliated systematically against those who sought peaceful political change. The Constitution proscribes any political organization other than the Communist Party. During the year, the Government amended the Constitution to restrict further citizens' rights to change the Government, making socialism the "irrevocable" basis of the Constitution. While the Constitution provides for direct election of provincial, municipal, and ANPP members, the candidates for provincial and national office must be approved in advance by mass organizations controlled by the Government. In practice a small group of leaders, under the direction of President Castro, selected the members of the highest policy-making bodies of the Communist Party: The Politburo and the Central Committee.

The authorities tightly controlled the selection of candidates and all elections for government and party positions. The candidacy committees were composed of members of government-controlled mass organizations such as the Confederation of Cuban Workers (CTC) and the CDRs and were responsible for selecting candidates, whose names then were sent to municipal assemblies that selected a single candidate for each regional seat in the ANPP. An opposition or independent candidate never has been allowed to run for national office.

In January 1998, the Government held national elections in which 601 candidates were approved to compete for the 601 seats in the National Assembly. According to the official state media, the candidates were voted in by more than 93 percent of the electorate. No candidates with views independent from or in opposition to the Government were allowed to run, and no views contrary to the Government or the Communist Party were expressed in the government-controlled national media. The Government saturated the media and used government ministries, Communist Party entities, and mass organizations to urge voters to cast a "unified vote" where marking one box automatically selected all candidates on the ballot form. In practice the Communist Party approved candidates for all offices. A small minority of candidates did not belong formally to the Communist Party. The Communist Party was the only political party allowed to participate in the elections.

Deputies in the National Assembly, delegates in the provincial assemblies, and members of the Council of State are elected during general elections every 5 years. Municipal elections are held every 2½ years to elect 14,686 local representatives to the municipal assemblies, the lowest level of the Government's structure. In October the Government held elections for local representatives to the municipal assemblies. Government newspapers reported that 95 percent of voters participated in the election, compared with 98 percent in 2000. Slightly less than 50 percent of those elected were incumbents, 22 percent were women, and 6 percent of all candidates were between the ages of 16 and 30. The reports also claimed that nationwide the number of blank ballots remained steady at 2.8 percent and the number of annulled ballots decreased from 3 percent to 2.4 percent.

Although not a formal requirement, in practice Communist Party membership was a prerequisite for high-level official positions and professional advancement.

The Government rejected any change to the political system judged incompatible with the revolution and ignored and actively suppressed calls for democratic reform. On May 10, opposition organization All United (Todos Unidos) delivered a petition to the National Assembly proposing a five-point national referendum on political and economic reforms. This effort, known as the Varela Project and led by Christian Liberation Movement leader Oswaldo Paya, was based on Article 88 of the 1976 Constitution, which permits citizens to propose legislation if such proposals are backed by at least 10,000 citizens; the Varela petition had 11,020 signatures. The Varela Project called for an end to limits on freedom of association, an amnesty for nonviolent political prisoners, reduced barriers to private enterprise, electoral reforms, and free elections within a year of the referendum. In an apparent effort to reject the Varela Project without publicly addressing it, the Government mobilized citizens to sign a petition making the socialist character of the Constitution "untouchable." The Government claimed that 99.37 percent of eligible voters signed the government petition requesting such a modification to the Constitution. The National Assembly unanimously passed the amendment making socialism the "irrevocable" basis of the Constitution. The changes did not rescind the right of citizens to propose legislation, and Varela organizers continued to collect signatures in support of their proposal. Government officials harassed persons working in support of Project Varela, retaliated against some persons who signed that petition, and retaliated against some persons who did not sign the government petition (see Section 1.f.).

Government leadership positions continued to be dominated by men. There were no legal impediments to women voting, holding political office, or rising to political leadership; however, there were very few women or minorities in policymaking positions in the Government or the Party. There were 2 women in the 24-member Politburo and 18 in the 150-member Central

Committee. Women held 28 percent of the seats in the 601-seat National Assembly. Although blacks and persons of African descent made up more than half the population, they held only six seats in the Politburo. The National Assembly was approximately 42 percent mulatto or mestizo, 40 percent white, 17 percent black, and 1 percent other.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not recognize any domestic human rights groups or permit them to function legally. The Government subjected domestic human rights advocates to intense intimidation, harassment, and repression. In violation of its own statutes, the Government refused to consider applications for legal recognition submitted by human rights monitoring groups (see Section 2.b.).

Dissidents generally believed that most human rights organizations were infiltrated and subjected to constant surveillance. Activists believed that some of the dissidents were either state security officials or were persons attempting to qualify for refugee status to leave the country. It was a crime punishable by 8 to 15 years' imprisonment publicly to identify suspected state infiltrators.

In its 1997 report, the IACHR examined measures taken by the Government and found that they did not "comprise the bedrock of a substantive reform in the present political system that would permit the ideological and partisan pluralism implicit in the wellspring from which a democratic system of government develops." The IACHR recommended that the Government provide reasonable safeguards to prevent violations of human rights, unconditionally release political prisoners and those jailed for trying to leave the country, abolish the concept of dangerousness in the Penal Code, eliminate other legal restriction on basic freedoms, cease harassing human rights groups, and establish a separation of powers so that the judiciary no longer would be subordinate to political power (see Sections 1.c. and 1.e.).

The Government steadfastly rejected international human rights monitoring. In 1992 the country's U.N. representative stated that the Government would not recognize the mandate of the U.N. Commission on Human Rights on Cuba and would not cooperate with the Special Rapporteur on Cuba, despite being a UNCHR member. This policy remained unchanged, and the Government refused even to acknowledge requests by the Special Rapporteur to visit the country. On April 19, the UNCHR passed a resolution that expressed concern about the human rights situation in the country and renewed the mandate of the Special Rapporteur on Cuba. At year's end, the Government had not allowed the Rapporteur to visit Cuba as required by the UNCHR resolution.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The country is a multiracial society with a black and mixed-race majority. The Constitution forbids discrimination based on race, sex, or national origin; however, evidence suggested that racial discrimination occurred frequently.

##### Women

Violent crime rarely was reported in the press, and there was no publicly available data regarding the incidence of domestic violence and rape; however, human rights advocates reported that violence against women was a problem. The law establishes strict penalties for rape, and the Government enforced the law; however, according to human rights advocates, the police did not act on cases of domestic violence.

The 2000 report of the U.N. Special Rapporteur on Violence Against Women stated that most government officials did not view violence against women as prevalent; however, activists at the grassroots level were attuned to problems of violence affecting women. The Rapporteur urged the Government to take comprehensive steps to enhance the legal protection against violence against women and urged the adoption of legislation to address domestic violence and sexual harassment.

Prostitution is legal for persons over 17 years of age; however, pandering or otherwise benefiting from prostitution is a felony. Prostitution increased greatly in recent years. Press reports indicated that tourists from various countries visited specifically to patronize inexpensive prostitutes. A government crackdown on prostitution that began in late 1998 initially had some effect, but prostitutes (known as "jineteras") still were visible in Havana and other major cities during the year. Police obtained early success in their efforts by stationing officers on nearly every major street corner where tourists were present. Some street police officers were suspected of providing protection to the jineteras. Most observers believed that the Government clamped down on prostitution to combat the perception that the Government promoted sex tourism. The Government set up centers to take prostitutes off the streets and reeducate them. The U.N. Special Rapporteur's report recommended that the Government dismantle the centers and find "other mechanisms that do not violate the rights of the prostitutes." There was no information available regarding whether or not the Government dismantled these centers.

The Family Code states that women and men have equal rights and responsibilities regarding marriage, divorce, raising children, maintaining the home, and pursuing a career. Women were subject to the same restrictions on property ownership as men. The law provides up to 1 year of maternity leave and grants working mothers preferential access to goods and services. Approximately 40 percent of all women worked, and they were well represented in many professions. According to the Cuban



Women's Federation (FMC), in 2000 women held 33 percent of managerial positions. The FMC also asserted that 11,200 women had received land parcels to cultivate, that more than 561,000 women had begun working as agricultural workers, and that women devoted 34 hours a week to domestic work, approximately the same number of hours they spent working outside the home.

#### Children

The Constitution provides that the Government protect family, maternity, and matrimony. It also states that children, legitimate or not, have the same rights under the law and notes the duties of parents to protect them. The law requires school attendance until the ninth grade, and this law generally was respected in practice. Education was free, but it was grounded in Marxist ideology. State organizations and schools were charged with the integral formation of children and youth. The national health care system covered all citizens.

There was no societal pattern of abuse of children. Police officers who found children loitering in the streets or begging from tourists frequently intervened and tried to find the parents. If the child was found bothering tourists a second time, police frequently fined the child's parents. Child prostitution was a problem (see Section 6.f.).

#### Persons with Disabilities

The law prohibits discrimination based on disability, and there were few complaints of such discrimination.

On March 18, state security officials arrested four leaders of the Brotherhood of Blind Cubans to prevent a demonstration that opposed police mistreatment of handicapped street vendors and that called for the release of blind dissident Juan Carlos Gonzalez Leyva (see Sections 1.d. and 2.b.).

In April the government-affiliated National Association of the Blind expelled Tomas Arquimedes Quintana for violating the norms of the organization by "acting in contradiction to the goals of a socialist state." Quintana is a member of the Cuban Human Rights Foundation and of the Independent Brotherhood of the Blind.

There are no laws that mandate accessibility to buildings for persons with disabilities. In practice buildings and transportation rarely were accessible to persons with disabilities.

#### National/Racial/Ethnic Minorities

Many persons of African descent have benefited from access to basic education and medical care since the 1959 revolution, and much of the police force and army enlisted personnel is black. Nevertheless, racial discrimination often occurred and was acknowledged publicly by high governmental officials, including President Castro during remarks at the World Conference on Racism in South Africa. President Castro acknowledged that the revolution had not eradicated racism. There were numerous reports of disproportionate police harassment of black youths. Evictions, exacerbated by Decree 217, primarily targeted individuals and families who migrated to Havana from the eastern provinces, which were traditionally areas of black or mixed-race populations (see Section 2.d.).

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution gives priority to state or collective needs over individual choices regarding free association or provision of employment. The demands of the economy and society took precedence over individual workers' preferences. Established official labor organizations had a mobilization function and did not act as trade unions, promote worker rights, or protect the right to strike. Such organizations were under the control of the State and the Communist Party, which also managed the enterprises for which the laborers worked. Because all legal unions were government entities, antiunion discrimination by definition did not exist.

The Communist Party selects the leaders of the sole legal labor confederation, the Confederation of Cuban Workers, whose principal responsibility is to ensure that government production goals are met. Despite disclaimers in international forums, the Government explicitly prohibited independent unions, and none were recognized. There has been no change in conditions since the 1992 International Labor Organization (ILO) finding that the Government violated ILO norms on the freedom of association and the right to organize. Those who attempted to engage in unofficial union activities faced government harassment.

Workers may lose—and many have lost—their jobs for their political beliefs, including their refusal to join the official union. Several small independent labor organizations were created but functioned without legal recognition and were unable to represent workers effectively or work on their behalf.

On January 3, police arrested Milagros Zeneida Morales of the Independent Workers Labor Union on charges of recruiting

members for a counterrevolutionary organization (see Section 1.d.).

In late March, police instructed Lidia Rodriguez to report on any telephone calls made by independent labor organizers Luis Sergio Nunez and Gabriel Sanchez of the Independent National Labor Organization (see Section 1.f.).

On June 27, a state security official informed labor activist Reinaldo Rodriguez Camejo that he would soon lose his job as a teacher at a technical institute. In late July, the institute cancelled his 2-year contract and informed him that he would not be rehired.

On July 1, state security officials ordered independent labor organizer Leodegario Jimenez Ojeda, president of the Independent Medical School in Santiago and a member of the Independent National Labor Confederation, to their office, where they interrogated him and accused him of participating in counterrevolutionary activities and having links to "terrorists" in Miami.

In July the ILO's Committee on Freedom of Association cited several instances of government persecution of members of the Single Council of Cuban Workers and called on the Government to allow formation of independent trade unions.

The CTC is a member of the Communist World Federation of Trade Unions.

#### b. The Right to Organize and Bargain Collectively

Collective bargaining does not exist. The State Committee for Work and Social Security (CETSS) sets wages and salaries for the state sector, which is almost the only employer in the country. The law prohibits strikes; none were known to have occurred. The 1995 Foreign Investment Law denies workers the right to contract directly with foreign companies investing in the country without special government permission. Although a few firms managed to negotiate exceptions, the Government required foreign investors to contract workers through state employment agencies, which were paid in foreign currency and, in turn, paid workers very low wages in pesos. Typically workers received 5 percent of the salary paid by the companies to the State. Workers subcontracted by state employment agencies must meet certain political qualifications. According to Minister of Basic Industry Marcos Portal, the state employment agencies consulted with the Party, the CTC, and the Union of Communist Youth to ensure that the workers chosen "deserved" to work in a joint enterprise.

There were no functioning export processing zones, although the law authorizes the establishment of free trade zones and industrial parks.

#### c. Prohibition of Forced or Bonded Labor

Neither the Constitution nor the Labor Code prohibits forced or bonded labor. The Government maintained correctional centers where it sent persons for crimes such as dangerousness. Prisoners held there were forced to work on farms or building sites; for example, doing construction, agricultural work, or metal working. The authorities often imprisoned internees who did not cooperate.

The Government employed special groups of workers, known as "microbrigades," who were reassigned temporarily from their usual jobs to work on special building projects. These microbrigades were increasingly important in the Government's efforts to complete tourist and other priority projects. Workers who refused to volunteer for these jobs often risked discrimination or job loss. Microbrigade workers reportedly received priority consideration for housing assignments. The military assigned some conscripts to the Youth Labor Army, where they served a 2-year military service requirement working on farms that supplied both the armed forces and the civilian population.

The Government prohibits forced and bonded labor by children; however, the Government required children to work without compensation. All students over age 11 were expected to devote 30 to 45 days of their summer vacation to farm work, laboring up to 8 hours per day. The Ministry of Agriculture used "voluntary labor" by student work brigades extensively in the farming sector. According to school rules, refusal to do agricultural work could affect the student's ability to continue studying at the institution.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum working age is 17 years. However, the Labor Code permits the employment of 15- and 16-year-old children to obtain training or to fill labor shortages.

#### e. Acceptable Conditions of Work

The CETSS sets the minimum wage, which varies by occupation. For example, the minimum monthly wage for a maid was \$6.60 (165 pesos); for a bilingual office clerk, \$7.60 (190 pesos); and for a gardener \$8.65 (216 pesos). The Government supplemented the minimum wage with free education, subsidized medical care (daily pay is reduced by 40 percent after the

third day of being admitted to a hospital), housing, and some food (this subsidized food is enough for about 1 week per month). However, even with these subsidies, the minimum wage did not provide a decent standard of living for a worker and family. Corruption and black market activities were pervasive. The Government rationed most basic necessities such as food, medicine, clothing, and cooking gas, which were in very short supply.

The Government required foreign companies in joint ventures with state entities to hire and pay workers through the State (see Section 6.b.). Human Rights Watch noted that the required reliance on state-controlled employment agencies effectively left workers without any capacity directly to negotiate wages, benefits, the basis of promotions, or the length of the workers' trial period at the job with the employer. Foreign companies paid the Government as much as \$500 to \$600 per worker per month while the workers received only a small fraction of that in pesos from the Government.

The standard workweek was 44 hours, with shorter workweeks in hazardous occupations, such as mining. The Government reduced the workday in some government offices and state enterprises to save energy.

Workplace environmental and safety controls usually were inadequate, and the Government lacked effective enforcement mechanisms. Industrial accidents apparently were frequent, but the Government suppressed such reports. The Labor Code establishes that a worker who considers his life in danger because of hazardous conditions has the right not to work in his position or not to engage in specific activities until such risks are eliminated. According to the Labor Code, the worker remains obligated to work temporarily in whatever other position may be assigned him at a salary provided for under the law.

#### f. Trafficking in Persons

The Penal Code prohibits trafficking in persons through or from the country and provides for penalties for violations, including a term of 7 to 15 years' imprisonment for organizing or cooperating in alien smuggling through the country; 10 to 20 years' imprisonment for entering the country to smuggle persons out of the country; and 20 years to life in prison for using violence, causing harm or death, or putting lives in danger in engaging in such smuggling. These provisions were directed primarily at persons engaging in organized smuggling of would-be emigrants. In addition, the revised code made it illegal to promote or organize the entrance of persons into or the exit of persons from the country for the purpose of prostitution; violators were subject to 20 to 30 years' imprisonment.

Child prostitution was a problem, with young girls engaging in prostitution to help support themselves and their families. It is illegal for a person under 17 years of age to engage in prostitution. The police enforced this law during the year as part of a general crackdown on prostitution; however, the phenomenon continued as more cabarets and discos opened for the growing tourist industry, which made it easier for tourists to come into contact with child prostitutes.